

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Koschinsky et al.

Application No: 10/587,429

Confirmation No.: 8163

Filed: April 23, 2007

Art Unit: 3763

For: IONTOPHORETIC ELECTRODE

Examiner: Manuel A. Mendez

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Restriction Requirement mailed September 17, 2009. The time period for response has been extended to December 17, 2009, by the accompanying petition for a two-month extension of time.

The Examiner asserts that the instant application contains claims directed to the following patentably distinct species: Figures 1, 2, 3, 4, 5a, and 5b.

In response to the restriction requirement, Applicants hereby elect the species corresponding to Figure 1, at least claims 1, 3, 9-10, 13-15, 18, 22, 25, 28-29, 36-37, 39 and 45-46 encompass that species. This election is made with traverse.

The Examiner asserts that the species as presented in the Office Action require a different field of search. Applicants respectfully submit that the species do not necessarily require a different field of search as all of the species are directed to a elements of an iontophoretic drug delivery system. Accordingly, Applicants submit that the Examiner would not be under a serious burden to search and examine the presented claims together. MPEP section 803 states, "if the search and examination of all the claims in an application can be made without serious burden, the examiner must examine on the merits, even though they include claims to independent or distinct inventions." Applicants accordingly request that the examiner rejoin and search based on all of the Figures.

Applicants believe no fee is due with this response other than as reflected on the enclosed Petition for Extension of Time. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. ACIZ-328-301 from which the undersigned is authorized to draw.

Dated: December 10, 2009

Respectfully submitted,

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